

HOUSE No. 129

By Mr. Ayers of Quincy, petition of Bruce J. Ayers for legislation to protect the rights of employees who have been appointed to serve as election officers. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROTECTING THE EMPLOYMENT RIGHTS OF PERSONS APPOINTED TO
SERVE AS AN ELECTIONS OFFICIAL.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 Section 22 of Chapter 54 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by adding the
3 following paragraph:—
4 An employer shall not deprive an election officer of any State
5 Primary or Election of his employment or any incidents or bene-
6 fits thereof, nor shall an employer or corporate manager harass,
7 discipline, threaten or coerce a subordinate employee because
8 such person has been appointed as an election officer, or in
9 response thereto performs any obligations or service incumbent on
10 such appointment. An employer shall not impose compulsory
11 work assignments upon any election officer-employee nor shall
12 the employer engage in any other intentional act that substantially
13 interferes with the availability, effectiveness, attentiveness or
14 peace of mind of the employee during the performance of his
15 service as an election officer. Any employer convicted of violating
16 the provisions of this section may be punished by a fine of not
17 more than five thousand dollars or not more than six months in
18 the house of correction; or both. Any employer who violates this
19 section shall also be liable in tort to the election officer-employee.
20 The election officer-employee may commence a civil action in the
21 superior court for such damages and injunctive relief as may be

22 appropriate. The court may award treble damages, court fees and
23 reasonable attorney's fees to the election officer upon a finding of
24 willful conduct by the employer in violation of this section.